



**U.S. Department of Justice
U.S. Attorney's Office
Western District of Texas**

Johnny Sutton, U.S. Attorney

FOR IMMEDIATE RELEASE

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ODESSA MAN ARRESTED FOR ATTEMPTING TO LIE AND BUY A FIREARM

United States Attorney Johnny Sutton announced that 25 year-old Kelly Dustin Sealy has been arrested and charged by a federal complaint with making a false statement in connection with his attempted acquisition of a firearm in Odessa last week.

According to an affidavit filed by the Bureau of Alcohol, Tobacco, and Firearms, Sealy attempted to buy a firearm at Charlie's Pawnshop in Odessa on April 28, 2007. In connection with that attempted purchase, Sealy filled out the federally-mandated "ATF Form 4473," which asks, among other things, whether the purchaser is currently subject to a court restraining or protective order. According to the affidavit, Sealy answered "no" to this question.

In truth, according to the affidavit, only the day before, on April 27, the City of Odessa Municipal Court had issued a restraining order to Sealy instructing him to have no contact with a woman who had been his intimate partner, and with his child.

Sealy's false statement was uncovered by the National Instant Criminal Background Check System ("NICS"), and ultimately no firearm was sold to him.

"Federal law requires background checks for firearms purchasers for a good reasons--there are classes of people, like felons and those under protective orders, who simply cannot possess firearms," said Sutton. "Lying on the required forms for the background check is an offense we will prosecute."

Sealy faces up to 10 years in prison and a \$250,000 fine if he is convicted of this offense. This case is being investigated by the Bureau of Alcohol, Tobacco, and Firearms and prosecuted for the government by Assistant United States Attorney John Klassen.

A federal complaint is a formal accusation of criminal conduct, not evidence of guilt. Defendants are presumed innocent unless and until convicted through due process of law.

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